



ENVIRONMENTAL & REGULATORY SERVICES
PECFA
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TDD #: (608) 264-8777
www.commerce.state.wi.us
Jim Doyle, Governor
Cory L. Nettles, Secretary

Wisconsin Department of Commerce Bureau of PECFA

Bid Document

PAY FOR PERFORMANCE BID

SECTION 1 - Scope of Work / Pay For Performance Pilot Study:

NOTE: Pay-For-Performance (PFP) is being implemented for this bid. Review the bid document in its entirety prior to bidding.

The Bureau of PECFA is seeking competitive bids to complete remedial activity services on a petroleum release from a regulated petroleum product storage tank system. The site upon which bids are being solicited is:

Bid Round Number: 34
Comm Number: 54449-1753-26-A
BRRTS Number: 03-72-001192
Site Name: Class E Automotive
Site Address: 926 West Arnold St.
Site City: Marshfield

Project Manager: Mr. Tom Hvizdak
Project Manager address: 473 Griffith Ave Wisconsin Rapids WI 54494
Project Manager phone: 715-421-7850
Project Manager e-mail address tom.hvizdak@dnr.state.wi.us

Bid Announcement Date	October 25, 2004
Questions or requests for information must be submitted in writing and received by:	November 9, 2004 4:00 PM
Responses to the questions will be posted (and if requested, sent in writing) by:	November 26, 2004
Bid End Date and Time:	December 10, 2004 by Noon

The case file including report(s) and other pertinent information upon which PFP bids are being sought, and the qualified bid response, when determined, are available for inspection at:

Department of Natural Resources 473 Griffith Ave Wisconsin Rapids WI 54494

Please contact the project manager listed above for an appointment.

Copies of report(s) and other pertinent information may be available for purchase at the location listed below. If pertinent information is not available, please contact the project manager.

Quality Plus Printing, 3515 8th St South, Wisconsin Rapids WI 54494

Phone: 715-423-7440

Fax: 715-424-0581

SECTION 2 - Site Specific Bid Specification Requirements:

A) Project Manager Comments

1) General Comments:

The original buildings and streets have been removed/diverted and the area north of the railroad tracks has been re-graded to facilitate the construction of the new State Highway 13 Boulevard, which now runs through the source area.

Most of the wells at this site were abandoned to facilitate the road construction. Only wells MW-4, MW-9, PZ-5 and PZ-7 are known to remain at this site.

It is strongly recommended that all bidders conduct a site visit before submitting a bid to assess the potential difficulties that may be encountered to complete this scope of work.

2) The following Environmental Factor(s) were identified in the Site Investigation Report for this site:

- ☐ Documented expansion of the plume margin.
- ☐ Verified contaminant concentrations in a private or public potable well that exceeds the preventive action limit established under ch. 160, Stats..
- ☐ Contamination within bedrock or within 1 meter of bedrock.
- ☒ Petroleum product that is not in the dissolved phase is present with a thickness of .01 feet or more, and verified by more than one sampling event.
- ☐ Documented contamination discharges to a surface water or wetland.

3) PFP Remedial Requirements:

Task I - Reinstallation of source Monitoring Points

- Replace monitoring well MW-5 (see attached map).
- Replace former piezometer PZ-1 (see attached map).
- Replace former piezometer PZ-4 (see attached map).
- Install a new piezometer (PZ-8), nested with monitoring well MW-4 (see attached map).
- Install recovery well (RW-1) in the location of former monitoring well MW-6 (see attached map).
- Install recovery well (RW-2) in the location of former Monitoring Well MW-3 (see attached map).
- **Access agreements and permits must be obtained for well installation and groundwater sampling events.**
- **All wells must be surveyed vertically and horizontally to the state plane coordinate system.**
- All boring locations must be continuously sampled and field screened (i.e. a well nest containing a monitoring well and piezometer would be considered one boring location).

- Following the reinstallation, all monitoring points will be sampled once and analyzed for petroleum volatile organic compounds (PVOCs) and Naphthalene. If free product is measured at the target thickness of one-inch or more, complete Task 6 - *Mass Reduction of Free Product*.
- See Section 4 for reporting guidelines upon completion of the above. PFP reimbursement following the completion of Task 1 – Following review and approval of the required report and claim, Commerce will authorize the RP to reimburse the consultant **30%** of the approved cap (see procedure outlined in Section 4).

Task 2 – Installation of Additional Monitoring Points

Based on the completed Task 1 report, two additional piezometers will be installed to define the degree and extent of groundwater contamination. Piezometer locations will be coordinated with the project manager prior to installation. It is anticipated that the additional piezometers will be placed south of the railroad tracks. Bidders must account for the potential depth of the additional piezometers. Collect one round of groundwater samples from the two new piezometers and analyze for volatile organic compounds (VOC's) (See Section 4 for reporting guidelines upon completion of the above).

PFP reimbursement following the completion of Task 2 – Following review and approval of the required report and claim, Commerce will authorize the RP to reimburse the consultant **25%** of the approved cap (see procedure outlined in Section 4).

Task 3 – Conduct Two Groundwater Sampling Events

Upon completion of Tasks 1 and 2, conduct two groundwater-sampling events from all monitoring points. Groundwater samples must be analyzed for PVOC and Naphthalene.

PFP reimbursement following the completion of Task 3 – Following review and approval of the required report and claim, Commerce will authorize the RP to reimburse the consultant **25%** of the approved cap (see procedure outlined in Section 4).

Note: Tasks 4 and 5 will be conducted only if the department with regulatory jurisdiction has determined that the site is no longer a threat to human health and the environment and closure proceedings may take place. The bidder will however include these costs in the bid. If additional activities other than closure are required, funding for those additional activities will be determined through another scope of work to bid or through a change order.

Task 4 – Closure Report and Submittal of GIS Registry

Submit a complete closure report including Geographical Information Systems (GIS) Registry Packet with the appropriate fees.

PFP reimbursement following the completion of Task 4 – Following review and approval of the required report and claim, Commerce will authorize the RP to reimburse the consultant 10% of the approved cap (see procedure outlined in Section 4).

Task 5 – Abandonment of Wells

If conditional closure is approved, all wells must be properly abandoned and the appropriate forms sent to the department with regulatory jurisdiction to obtain final closure.

PFP reimbursement following the completion of Task 5 – Following review and approval of the required report and claim, Commerce will authorize the RP to reimburse the consultant 10% of the approved cap (see procedure outlined in Section 4).

Task 6- Mass Reduction of Free Product (Separate Cost)

When free product is measured at the target thickness of one inch or greater, abatement activities must ensue. Please note that a separate cost estimate is required to complete Task 6.

Bidders shall provide an estimate of the quantity of product removed. Based on this quantity the bidder will provide a cost estimate of free product abatement on a per gallon basis. In estimating free product removal on a cost per gallon basis bidders must take into account the following costs:

- Mobilization
- Commodities (if utilized)
- Technology used to abate free product
- Disposal costs
- Time and effort.

Mass Reduction of Free Product Guidelines

Free product recovery will cease when one the five criteria are met.

- The consultant's costs will exceed the bid amount.
- One year has passed since the date of the contract between the claimant and successful bidder.
- Two times the total gallons of free product estimated to be removed have been removed.
- The DNR and/or Commerce may terminate free product recovery based on recovery amounts.
- The set target level has been achieved and verified.

Verification of Free Product Target Levels

Verification that the free product removal target has been met requires a confirmation measurement between 30 and 45 days after the target thickness has been achieved.

PFP reimbursement following the completion of free product abatement

The recovery of free product will be deemed complete upon achieving the set target level and verification that the target level has been achieved **or** by achieving any one of the other four criteria outlined in the Mass Reduction of Free Product Guidelines stated above. Following review and approval of the required report and claim, Commerce will authorize the RP to reimburse the consultant the amount approved in the bid (see procedure outlined in Section 4).

PFP Pilot Study Synopsis

Task #	Task Narrative	% of cap
Task 1	Reinstallation of source Monitoring Well and Piezometer	30%
Task 2	Installation of Additional Monitoring Points	25%
Task 3	Conduct Two Groundwater Sampling Events	25%
Task 4	Closure Report and Submittal of GIS Registry (if applicable)	10%
Task 5	Abandonment of Wells (if applicable)	10%
Total		100%

Task 6 - Mass Reduction of Free Product – Separate cap established

B) Bidder's Strategy for Remedial Action

- 1) Identify the remedial strategy for a specified work scope or closure.
- 2) Specifically describe what element of your proposed strategy will address the environmental factors/risk factors listed above. Also describe how, when, and why it will address them.
- 3) Provide a detailed description of the work to be performed. The description shall provide sufficient detail to establish that the proposed strategy will be successful in achieving a specified scope of work identified above.
 - a) The detailed description may include, but is not limited to the following:
 - Technologies
 - Estimated years of operation
 - Estimated tons of soil
 - Approximate geometry/depth of excavation
 - Reporting details
 - Estimated years of monitoring
 - Frequency of sampling/number of wells/parameters
- 4) Specifically describe how you will address off-site contamination, if applicable.
- 5) Specifically describe how you will address any direct contact hazards, if applicable.

SECTION 3 - Conditions of Bid:

The successful bidder will be the entity that complies with all provisions of the bid specification and provides the lowest total cost, excluding interest, for the site specific bid specification requirements described in Section 2. PECFA funding under s. 101.143, will terminate regardless of whether the responsible party or other properties accept an institutional control and notices required under §NR 726 Wis. Admin. Code. In preparing the bid, the bidder must assume compliance with all applicable codes, including but not limited to §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The successful bidder will be determined based upon conformance to and competitiveness under the bid protocol. The first determination will be whether the bidder has complied with all provisions of the bid. These bids will be considered responsive. From the responsive bids, the lowest total cost bid with an approved approach to a specified scope of work/closure will be determined. Claim preparation costs will be part of the cost cap established by this bid.

The successful bid will be available to be viewed at the location identified in Section 1. If two or more bidders tie in the cost comparison, the bid with the lowest consulting cost

will be used as the tiebreaker. All bid documents must be signed and sealed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin Department of Regulation and Licensing.

The Department reserves the right to reject any and all bids that meet any of the following conditions:

- The Department believes the remedial strategy is not appropriate to a specific geologic setting.
- From the standpoint of program operations or regulatory responsibility, the Department determines it is in the best interest of the program to not accept any or all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the Department with jurisdiction (Natural Resources or Commerce).

The name of the successful bidder, bid amount, proposed outcome, and supporting documentation will be provided to the site claimant along with instructions to inform the PECFA program in writing of their intent to either:

- Use the lowest identified bidder or
- Use another service provider.

In either case, PECFA reimbursement is capped at the dollar amount of the successful bid.

A successful bid does not mean or guarantee that all costs in a resultant claim are eligible, reasonable, necessary or reimbursable under the PECFA program.

If a bidder fails to comply with a bid provision the bid response will be determined to be non-responsive. If the bid response is responsive, but not the lowest cost service provider with an appropriate approach, it will be determined to be “non-successful.” Non-responsive and non-successful bidders will not be individually informed of their failure to achieve compliance with the bid specifications or to be the lowest bidder.

The successful bidder may be required to provide input to, and attend a meeting with the PECFA program and the claimant to explain the bid and the remedial approach.

Appeals, by bidders, of decisions regarding complying bids or costs are not allowed, as they do not constitute claimant reimbursement decisions under the PECFA program.

In compliance with this invitation to bid and subject to all conditions thereof, the signatory agrees to the following:

- If the signatory's bid is determined to be successful, the signatory must, within 15 days of the Department's notification, contact the claimant and confirm that they will provide the remedial services at the cost described within the Bid Response.
- That for a period of 90 days, starting with the Department's notification to the claimant, the signatory will hold firm their commitment to provide the remedial services and prices set forth in the Bid Response.

Failure to abide with the conditions stated above may result in exclusion from future PECFA Public Bidding events.

Questions, answers and interpretations will be considered an amendment of this solicitation. All answers and interpretations shall be in writing from the Program Manager identified in Section 1 of this solicitation. Neither the program nor the

Department shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid Ending Date. After the date by which questions must be submitted by, identified in Section 1, no further questions will be addressed.

A written response will be provided at: <http://www.commerce.wi.gov/ER/ER-PECFA-SiteBidding.html> (and mailed to all requesters of the bid package who are not able to access the web site, and who therefore request written correspondence from the program contact).

SECTION 4 – Pay-for-Performance

Commerce is conducting a pilot study to determine the viability of the Pay-for-Performance (PFP) process, which is a task based reimbursement program. The process allows the regulatory agency to monitor each task of the cleanup process and pre-approve activities conducted and cost incurred for each task.

Please note that the PFP process is a pilot study, therefore, the project manager with regulatory authority and Commerce will work closely with all parties involved to ensure that the process moves efficiently and expeditiously.

For the purpose of this pilot study the PFP process will be as follows:

1. Utilizing the PECFA public bidding process, cost caps will be established for specified scopes of work (SOW) or through a closed remedial action status. Commodity bidding can be waived for the bid process, however, consultants can not contract themselves to provide commodity services. Bid specifications for the PFP pilot will have the SOW or closed remedial action divided into specific tasks with each having a percentage of the established cost cap assigned to it.
2. Upon completion of each task, the consultant will be required to submit a brief report with supporting documentation (e.g. maps, laboratory analytical results, etc.) outlining the activities completed. The report will be submitted to the Commerce Site Review Section Hydrogeologist (Site Review), as well as the Wisconsin Department of Natural Resources (WDNR) where applicable, to determine if the task is complete. A separate packet that includes the PFP spreadsheet will be sent to the PECFA Claims Section (Claims) for review, and subsequent approval, if appropriate.
 - 2a. Site Review will send a letter to the consultant, the RP, and the lending institution either approving or denying completion of the task. The letter will either approve the pre-established percentage of the cap (the actual dollar amount will be designated in the letter) or indicate the additional activities required to complete the task.
 - 2b. Claims will review the consultant and commodity PFP spreadsheet to determine eligibility of the task(s) completed and deductibles, if any. The claim will not be paid until Site Review approves the task. If more work or additional information is required to complete the task the claim will be returned and resubmitted upon completion of the task.
3. One of two options for reimbursement will be utilized during the PFP pilot (the second option is specifically intended for sites that have been unable to secure a PECFA loan):
 - 3a. Option 1: For sites that have secured a PECFA loan, the claim will be paid upon completion and approval of each task.
 - 3b. Option 2: For sites that have not been able to secure a PECFA loan the process will be as follows:

1. The RP will have an approved waiver of the deductible prior to bidding.
2. Financial hardship (if applicable) will be established prior to bidding.
3. A cost cap will be established using the PECFA Public Bidding Process.
4. The Form 6 "Agent Assignment Certification" will be completed by the RP and consultant prior to work being performed.
5. A meeting will be held between the RP, the consultant, Claims, Site Review and WDNR (if applicable) upon completion of the bid. The consultant must agree to invoice the RP following the approval of a PFP-approved task, with the understanding that they will not receive payment for the services performed, until they receive the two-party (RP/consultant) reimbursement check requiring the RP's signature from Commerce.
6. The Claim is paid via two party check requiring both RP and Consultant signatures upon the completion and approval of each task. This check will be sent directly to the consultant.

SECTION 5 – Closure Specifications – If Applicable:

A bid submitted must provide the total cost, excluding interest but including all closure costs, for the remediation up to approval as a closed remedial action status identified below:

Unrestricted Closure

Closure with a NR 140 exemption

Closure with GIS Registry

Closure with a deed notice*

Closure with a deed restriction*

Closure with NR 720.19 soil standards

Performance based NR 720.19 closure

Closure with site-specific conditions

Closure under NR 726.07

Closure under Comm 46/NR 746

Mass Reduction

* **Note:** *PECFA funding under s. 101.143, Stats., will terminate when the responsible agency determines that institutional controls and notices, if utilized, would achieve a closed remedial action status. PECFA funding will terminate regardless of whether the responsible party or other properties accept and institutional controls and notices as required under NR 726. PECFA eligible costs may include all closure costs, up to approval as a closed remedial action (i.e. monitoring well abandonment) that are otherwise eligible for reimbursement.*

If the PECFA maximum award for the site/occurrence is not believed to adequate to remediate the site/occurrence to a closed or no further remedial action status, that belief must be specifically noted in the bid and the remedial effort that will be achieved by the bid amount. For the purpose of the competitive bid the contaminant mass is determined to be: **Not Applicable**. The basis for specifying the progress shall be contaminant mass reduction and be based upon the mass reduction at the following points on the site:

Not Applicable

If the site is reasonably expected to exceed its cap under the PECFA program, bidders may propose mass reduction, the lowest bidder will be determined on the basis of a cost per mass reduction ratio. If some bidders propose mass reduction and others propose costs to bring the site to a closed remedial action or no further action status, selection will be from those bidders proposing a closed or not further action result.

SECTION 6-Instructions to Bidders:

By submission of a bid, bidder agrees that during the period following issuance of this solicitation and prior to notification of successful bidder, bidders shall not discuss the bid or bid process except with the program contact designated in this solicitation. Bidders shall not discuss or attempt to negotiate with the claimant, other potential bidders or program staff any aspects of the bid without prior approval of the Project Manager specified. Infractions will result in rejection of the violator's bid and may also result in disqualification of the individual to provide bids and a formal complaint being lodged with the Department of Regulation and Licensing.

The bid submitted shall address all the site specific bid specification requirements identified in Section 2. The bid shall support in detail the strategy to achieve a closure/specified work scope, a no further remedial action status, or a remedial mass reduction goal which ever is applicable. A full remedial action plan is not required as part of the bid submittal. A full remedial action plan may be requested by the program.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Project Manager. If the Project Manager is not able to arrange site access, this fact will not delay the bid process or negate the comparison and potential selection from among the bids that are submitted. All costs associated with a site visit or preparation of a bid will be the responsibility of the bidder.

The Bid Process must conform to the following:

1. If applicable the closed remedial or no further action status to be achieved must be stated using the options from the list provided in Section 4.
2. Indicate in the Bid Response a contaminant mass reduction proposal if the PECFA maximum award is not believed to be adequate to remediate the site/occurrence.
3. The Bid Response shall address all the site specific bid specification requirements identified in Section 2 and shall support in sufficient detail and succinctly the remedial strategy.
4. The total cost (in dollars) to accomplish the stated remedial phases, including all fees, reporting cost.
5. All costs specified shall separately identify consulting (non-commodity) costs.
6. The submittal must include an original and two (2) copies of the Bid Response documents signed and sealed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. Include the appropriate registration number of the professional license.
7. Bids can not be "faxed" directly to the program. Documents received by fax will not be accepted or considered.
8. Bids, amendments thereto or withdrawal requests must be received by the time advertised for bid opening. It is the bidder's sole responsibility to insure that these documents are received by the contact at the time indicated in this solicitation document.
9. All specifications or descriptive papers provided with the bid submission must include the bidder's telephone number and Commerce number thereon. Identify the name of the consulting firm on the 1st Page of the Bid Response.
10. The Commerce Number must be on the outside of the envelope in which the bid is submitted. The Department assumes no responsibility for unmarked or improperly marked envelopes. All envelopes received showing a bid number will be placed directly under locked security until the date and time of opening. Include only one Bid Response (an original and two (2) copies) per envelope.
11. Correction of errors on the bid form: All prices and notations shall be printed in ink, typewritten or computer printed. Errors shall be crossed out, corrections entered and initialed by the person signing the bid. Erasures or use of correction fluid will be cause for rejection. No bid shall be altered or amended after the time specified for the bid end date.
12. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid Ending Date.
13. Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the Department with jurisdiction (Natural Resources or Commerce).
14. From the standpoint of program operations or regulatory responsibility, the Department determines it is in the best interest of the program to not accept any or all bids.
15. If bidders consider the bid response to be proprietary information and exempt from disclosure, each part of the Bid Response must clearly marked

CONFIDENTIAL. If any part is designated as confidential, there must be attached to that part an explanation of how the information is proprietary. The Department reserves the right to determine whether this information should be exempt from disclosure and no legal action may be brought against the State, Department or its agents for its determination in this regard.

16. The Bid Response must be appropriate to the site geologic setting.
17. Ambiguous bids, which are uncertain as to cost, time or compliance with this solicitation, will be rejected.
18. The Department reserves the right to reject any and all bids, and/or to cancel this solicitation at any time.
19. Each bidder shall fully acquaint itself with conditions relating to the scope and restrictions attending the execution of the work under the conditions of this solicitation. The failure or omission of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
20. All amendments to and interpretations of this solicitation shall be in writing from the Project Manager. Neither the Department nor the program shall be legally bound by any amendment or interpretation that is not in writing.
21. This solicitation is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this solicitation to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The solicitation may or may not be changed but a review of such notification will be made prior to award.

BID RESPONSE
(1st Page)

Department of Commerce PECFA Program

SITE NAME: Class E Automotive
COMMERCE NUMBER: 54449-1753-26
BRRTS NUMBER: 03-72-001192

Submit Bid To Cathy Voges
Department of Commerce PECFA Program
201 W Washington Ave, Madison WI 53703-2790 or
P.O. Box 8044, Madison WI 53708-8044

Bidder Company: _____
Bidder Address: _____

Telephone () - _____
Number:
Fax Number: () - _____
e-mail Address: _____

Bidder: (check one that applies):

_____ Professional Engineer	_____ License #
_____ Professional Geologist	_____ License #
_____ Hydrologist	_____ License #
_____ Soil Scientist	_____ License #

Seal

Signature: _____

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Print Name: _____

Title: _____

Total Bid Cost \$ _____

Total Consulting Cost (subpart of Total Bid) \$ _____

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

BID RESPONSE

(2nd Page)

Department of Commerce PECFA Program

SITE NAME:	Class E Automotive
COMMERCE NUMBER:	54449-1753-26
BRRTS NUMBER:	03-72-001192

Consulting Firm phone number () ____-____

This response must address all of the site specific specifications identified in Section 2, and shall support in detail the remedial strategy. Attach additional pages if necessary. *The Commerce Number and Consulting Firm telephone number must be included on all additional pages.*